

Ohio's Rapid Response System

**A Report for the
Ohio Department of Job and Family
Services**

Prepared by the National Employment Law Project

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This report and the research underlying it were possible through the support of many people in many organizations.

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Lynn Minick
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ABOUT THE NATIONAL EMPLOYMENT LAW PROJECT

For nearly 40 years, the National Employment Law Project (NELP) has engaged in research, advocacy and public education on behalf of low-wage earners, the unemployed and those facing job loss, and other groups of workers who face significant barriers to gaining employment and accessing government systems of support. NELP's work focuses on expanding economic opportunity and extending economic security to all workers. Among other things, NELP works to ensure that employment laws cover all workers, support worker organizing and alliance-building among key worker allies, help workers stay connected to jobs and employment benefits, and expand employment laws and economic security programs to meet the needs of workers and families in changing economic conditions.

The interviews, research, and writing of this report were by Lynn Minick (Minick), a Workforce Development Specialist with NELP. At NELP, Minick helps coordinate an initiative intended to improve services to dislocated workers in Illinois, Indiana, Michigan and Ohio.

Minick is a nationally recognized workforce specialist with many years of experience in the design and delivery of dislocated worker services, with an emphasis on rapid response and early intervention services. Among his career accomplishments in workforce and economic development, Minick served for eight years as Director of the Indiana AFL-CIO Labor Institute for Training and eight years as Regional Coordinator with the Human Resources Development Institute, AFL-CIO (now, the Working for America Institute, AFL-CIO).

Minick has conducted many training sessions throughout the country on the delivery of rapid response, and is a recognized expert on the federal requirements governing the program and best practices in implementing it. Over the past 20 years, Minick has assisted in responding to many dislocations events throughout the United States. These included dislocation events in airline, automotive, base closures and realignments, coal, food processing, garment, pulp and paper, rail, shipbuilding, steel and many other industries. Minick has personally observed and interacted with many state and local rapid response practitioners during the process of delivering rapid response services. These interactions have given Minick a wide-ranging and broad-based perspective on the numerous ways that different states deliver rapid response services.

Minick also served on the National Dislocated Worker Rapid Response Workgroup. This workgroup was formed by the U.S. Department of Labor's Employment and Training Administration to address specific issues related to rapid response.

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EXECUTIVE SUMMARY

Ensuring public accountability for programs and services is more critical than ever. Organizations ranging from small private foundations to the federal government are requiring assessments and reports on the performance of organizations, departments, programs, and projects. Government agencies have the burden of proving they are delivering the services they were funded to support. Evaluating their performance enables organizations to learn ways to improve program strategy and allocate resources more effectively. Evaluations also provide the opportunity for organizations to gain a broader perspective and learn from others doing similar work and facing similar challenges.

In Ohio, the Ohio Department of Job and Family Services¹ (ODJFS) is responsible for ensuring that the state's rapid response system is in compliance with federal requirements prescribed in the Workforce Investment Act of 1998 (WIA)². Section 101 of WIA describes rapid response as:

An activity provided by a State, or by an entity designated by a State, with funds provided by the State under section 134(a)(1)(A), in the case of a permanent closure or mass layoff at a plant, facility, or enterprise, or a natural or other disaster, that results in mass job dislocation, in order to assist dislocated workers in obtaining reemployment as soon as possible.

Regardless of the approach a State desires to take – whether providing the “rapid response activity” as a function of the State or delegating it to an entity designated by a State – the State is ultimately responsible for ensuring that the provisions of rapid response are carried out.

NELP was retained to conduct a review of Ohio's rapid response system and make recommendations for improving overall program operations. The review revealed that the Ohio rapid response system is under pressure, both because of the demands the economy places on the system, and because shortcomings in program design, funding, and implementation have undermined its effectiveness.

The principal findings from NELP's review are that:

- The program's extraordinary degree of decentralization and devolution to local operations undermines effective coordination at the regional and state level;
- There is a lack of clear expectations and program rules to guide local areas in their approach to dislocation events and the delivery of services;
- There are broken and unclear lines of authority and current Rapid Response Section (RRS) staff have no authority over staff in Office of Local Operations (OLO) or local WIA staff to make sure services are being

¹ Homepage of ODJFS available at <http://jfs.ohio.gov/>

² Workforce Investment act of 1998 available at <http://www.doleta.gov/usworkforce/wia/wialaw.txt>

provided and local WIA or County Job and Family Services (JFS) staff have no authority over OLO or any other partners;

- Program funding has not been allocated in a manner that best ensures effective and coordinated service delivery to dislocated workers;
- There is a lack of communication created when local areas don't notify the state RRS that a layoff is about to happen or has already occurred and even more problematic, local areas do not always notify the state that they have conducted a rapid response session for a non-WARN layoff or smaller dislocations;
- There is an inadequate tracking system to monitor program performance and is ignored or treated casually by local agency staff in some areas;
- There is not an overall dislocated worker training policy.

Based on NELP's review of Ohio's rapid response policies and practices and including interviews with management and stakeholders, NELP is recommending several key reforms that will improve overall program operation and service delivery. Specifically, NELP is recommending that:

1. Rapid response activities for large dislocations be carried out by a statewide team operated and managed by ODJFS. This statewide team should be recognized as the State Rapid Response Dislocated Worker Unit (SRRDWU) and have responsibility and authority at the state level for the administration and delivery of all rapid response activities. This statewide team should include a Program Administrator, a Manager, two (2) Technical Advisors, and a minimum of six (6) **newly created** Rapid Response Regional Managers (RRRM). These RRRMs should be co-located with Board of Regents and Department of Development staff in six (6) economic development regions. Adding these specialized rapid response staff at the regional level and co-locating them with staff from these agencies will facilitate critical information-sharing and coordination that will not only more effectively serve Ohio's dislocated workers but also advance other important goals of the state—healthy economic development and building a more skilled workforce.
2. ODJFS contract with local Workforce Investment Boards (WIBs) to provide local rapid response WIA staff that will deliver rapid response activities in Ohio's 20 local WIA areas. Funds should be provided for this purpose to the local WIB Boards. Each local WIA area must identify rapid response designees as the primary point of contact to address local area dislocation events.
3. ODJFS review and prioritize the use of its rapid response funds to better ensure the most effective provision of rapid response services. This review should ensure that enough resources are being used to adequately fund the SRRDWU and activities. An independent evaluation should be conducted of all recipients of rapid response funds to assist in prioritizing

funding initiatives and amounts. A programmatic and fiscal reporting system should be established for all current and future recipients of rapid response funds.

4. ODJFS ensure and monitor the timeliness of rapid response service delivery and quickly determine whether there are enough formula funds in the state (at the state or local levels) to adequately serve workers being dislocated. WIA requires on-site contact with employers and employee representatives **immediately** upon notification of job dislocation. This is a critical period for making important decisions, including whether there are enough formula funds at the state or local levels to adequately serve the workers being dislocated.
5. ODJFS better ensure coordination of services. The SRRDWU should be responsible for making sure that all necessary actions, including coordination of all available resources, are taken during a dislocation event. Mandatory team members should include representatives of the local WIA area, the One Stop office, ODJFS Unemployment Compensation and Wagner Peyser staff, and the United Labor Agency (where appropriate and as described in its contract with ODJFS). For dislocation events for which the layoffs may be certified under the Trade Adjustment Assistance Act (TAA), staff from ODJFS representing TAA should also be included in the team, as should a Veteran's representative, when appropriate.
6. ODJFS establish clear guidelines for the use of labor-management committees in dislocation events. WIA states that rapid response should include "assistance in establishing a labor-management committee, voluntarily agreed to by labor and management, with the ability to devise and implement a strategy for assessing the employment and training needs of dislocated workers and obtaining services to meet such needs." The purpose of these requirements is to ensure the involvement of both the employer and the workers or their representatives in planning and implementing the entire range of services to the affected workers.
7. ODJFS monitor and track the provision of rapid response services, including services and outcomes for individuals, and collect and utilize customer satisfaction data from employers, unions and dislocated workers. Measurable goals should be established to provide feedback that will help identify problems and facilitate changes necessary for continuous improvement of rapid response activities. A database should be used to track all WIA expenditures and all WIA-enrolled participants, including participants enrolled in dislocated worker programs. Services provided to dislocated workers and reported on should include the core, intensive, and training services provided at One-Stop centers.

8. ODJFS implement a rapid response management information system that records contact with the employer, service delivery progress and scheduling, and tracks individuals from rapid response sessions through WIA services. This system should facilitate coordination of scheduling and services among the key stakeholders – the SRRDWU, the ODJFS Office of Unemployment Compensation, Local Operations, county agencies and workforce areas, and the United Labor Agency.
9. ODJFS should establish an overall policy for how One-Stops should prioritize dislocated worker services and require a formal agreement with One-Stops about how the handoff from rapid response to the One-Stops will occur. Procedures should be put in place to ensure that dislocated workers served by rapid response are quickly and effectively linked to the services provided by the One-Stop Centers.
10. Ohio should continue to contract with Kent State University's Ohio Employee Ownership Center for layoff aversion services and to help build a business ownership succession planning infrastructure. This layoff aversion project provides employers and workers with access not only to information about employee buyouts but will also provide financial assistance in securing a pre-feasibility study. A business ownership succession planning infrastructure helps small and medium-sized businesses that are gaining jobs in Ohio and point the way to future growth and development for the state.
11. ODJFS should continue to contract with the United Labor Agency for rapid response related services. This contract allows a “labor-led intervention” in dislocation events by educating union leaders on how to respond to their members’ concerns, and positions ULA to serve as an advocate with employers and public service agencies.

Adopting these recommendations will greatly improve delivery of rapid response services, maximize the value of rapid response funds, promote greater coordination and accountability, and bring best practices and valuable assets to bear in implementing the rapid response program.

BACKGROUND

The intent of WIA is to streamline employment and training services, empower individual workers, provide universal access to services, increase accountability, create a strong role for local workforce investment boards and the private sector, increase state and local flexibility, and improve youth programs. The Act places a particular emphasis on the needs of dislocated workers, encouraging states to pursue initiatives that anticipate needs, seek to mitigate the economic impact of a major dislocation on individuals, businesses and communities, and provide for continuous improvement in services to affected workers.

The opportunities WIA provides to substantially increase efforts in layoff forecasting and aversion present all partners in the workforce development system with the challenge to develop a systemic approach to serving both the business and worker customers.

Rapid response services, a required activity under WIA, should be designed to respond to plant closures, mass layoffs, disasters resulting in significant job dislocations, and other events that may substantially increase the number of unemployed individuals. States are required to establish a State Rapid Response Dislocated Worker Unit and have ultimate responsibility for providing rapid response activities as described under sections 101(38), 112(b)(17) and 134(a)(2)(A) of WIA and section 665.300(b) of the final rules governing WIA ("final rules"). The range of rapid response activities states are authorized to provide are described in sections 665.310-665.340 of the final rules.

The current entity designated by the State of Ohio for providing rapid response services is the Ohio Department of Job and Family Services (ODJFS), Office of Workforce Development, Bureau of Workforce Services, Rapid Response Section (RRS).

Earlier efforts at rapid response: During the 1980s, Ohio suffered major industry downsizings in steel, automotive, tire, and other manufacturing industries. At the end of the decade, Ohio joined other states in implementing a more structured approach to help workers affected by layoffs and to help them regain employment. During the state's early rapid response implementation, a dedicated Rapid Response Unit was created. This initial unit was led by a manager who had access to the Governor's office and staffed with five to six rapid response coordinators, including one Labor-Management Committee Specialist.

Additionally, the state's workforce development office maintained a dedicated Grants Management Unit whose sole mission was to write, apply for and administer additional and dedicated dislocated worker grants. (Today, these grants are called National Emergency Grants.) This dedicated grants unit

employed an additional six (6) state staff who specialized in negotiating and implementing supplemental dislocated worker and/or industry specific programs.

Together, the Rapid Response Unit and the specialized Grants Management Unit focused on serving thousands of downsizings affecting many thousands of workers. This effort not only required the dedication of staff resources but demanded Ohio apply for and operate the Job Training Partnership Act (JTPA) formula-funded dislocated worker programs and generate as much supplemental federal revenue as possible. At its peak, Ohio nearly doubled the dislocated worker program funding by generating over \$35 million of supplemental dislocated worker funding.

With implementation of WIA, Ohio's workforce development system changed dramatically. A new design was geared towards an integrated approach with the state's Human Services system to leverage the maximum amount of financial resources to the economically disadvantaged Temporary Assistance for Needy Families³ (TANF) population. As a result, during the early days of WIA, dislocated workers got lost in the larger TANF system.

About three years into WIA, the U.S. Department of Labor (US DOL) initiated a review of the legality and legitimacy of Ohio's current workforce development system, which ultimately resulted in rebuilding toward the current Ohio system. Much of the rebuilding phase focused on creating a system of One-Stop Centers where customers (including dislocated workers) would have choices in their own employment goals and increased ability to choose the training necessary to achieve their goals. Fortunately, these One-Stop systems had access to sizable dislocated worker and rapid response WIA funds.

Unfortunately, in 2008, Ohio suffered a nearly \$20 million national rescission of WIA funds, with nearly \$10 million taken from rapid response. Coupled with the state's challenging financial situation and possibly more budget cuts on the horizon, there will be no excess money in the state budget to make up for the rescission. The constraints on rapid response resources could hardly come at a worse time, with unemployment and job loss rising in the state and the nation as a whole. Likely growth in demand for services combined with resource limitations make it all the more important that Ohio's rapid response program be administered and implemented effectively, efficiently and in full compliance with federal requirements.

³ Information about TANF can be found at <http://www.acf.hhs.gov/programs/ofa/tanf/about.html>

FINDINGS

NELP undertook a comprehensive assessment of Ohio's rapid response system, which included a review of the system's structure, documents reflecting organizational lines and policies, and staffing levels.⁴ The review also identified the aspects of Ohio's rapid response system and structure that are conventional and those that are unconventional. ODJFS provided the charts and written materials considered in this review. Minick also conducted interviews with key state staff and state practitioners, and local practitioners and key organizations to get their assessments of the state program.⁵ Minick coordinated much of this work with Jon Honeck, Ph.D. Senior Researcher, Policy Matters Ohio.

The following reflects the key findings from this assessment.

DEFICIENCIES IN THE OPERATION OF RAPID RESPONSE

Ohio's rapid response system has gone through important changes in the last several years. In 2005, ODJFS management decided that the ODJFS Office of Local Operations (OLO) would take the lead in coordinating rapid response. As a result, RRS staff members who had been going into the field and coordinating rapid response services were pulled back from direct service delivery. Their duties are now restricted to processing and distributing WARN notices, giving technical assistance, responding to requests for emergency funding, and monitoring reports filed by OLO.

In 2007, ODJFS initiated a new protocol for rapid response and dislocated worker services. The document describing this protocol was distributed in "Final Draft" form, though apparently has never been issued as a "final" document. This has led to much confusion in understanding who is responsible for the delivery of rapid response at the local level.

Inadequacies in training and expertise among staff providing front-line rapid response services:

The staff responsible for delivering rapid response services is identified as Local Area Rapid Response Designees. Generally, these individuals organize informational sessions, bringing in partners from the local WIA area, the local One Stop office, and staff from the ODJFS. The ODJFS staff includes individuals who represent Unemployment Compensation Benefits and labor exchange services available through Wagner Peyser.

Rapid response is not the primary duty of the county agency staff. Their primary job duties are to administer social and human service programs. Consequently,

⁴ See the Technical Note and subsequent Appendices for detailed information about the investigative process underlying the findings and conclusions in this report.

⁵ Appendix G is a sampling of comments made by persons interviewed for this study.

they are not necessarily accustomed to dealing with affected workers who have a stable work history and may be reluctant to seek public services.

Likewise, OLO staff that are called in to help with information sessions have other primary duties besides rapid response. These duties include labor exchange services and unemployment compensation functions. It is not the general practice within OLO to assign the same individuals to cover rapid response informational sessions. Instead, managers often send “whoever is available” among the staff, which prevents individuals from building high levels of expertise and leads to variation in the level of service and quality of advice given to employers and workers.

Ohio’s method of delivering rapid response is very unconventional. Most states maintain responsibility for the oversight, tracking, and delivery of rapid response services across regional workforce investment areas. In Ohio, the RRS is mostly responsible for processing and distributing WARN notices, giving technical assistance, responding to requests for emergency funding, and monitoring reports. Local Area Rapid Response Designees are responsible for addressing local area dislocation events. Via this approach, over 40 individuals are identified as *Local Area Rapid Response Contacts*. Many of the “designees” have never received training on how to conduct rapid response, and some have not even done rapid response. As a result, the methods used by some “designees” do not follow federal requirements or correspond to recognized best practices.

Inadequate guidance regarding coordination of rapid response with other services:

The ODJFS has no formal internal guidance, such as rules, memorandums, or policies in place, that describes coordination of TAA with rapid response. However, WIA and Trade share information such as WARN notices, rapid response meeting schedules, and petition filings and certifications, and they hold monthly meetings. In addition, as part of the formal WIA-TAA integration, procedures are in place in piloted areas and each local area is requested to complete a survey regarding how they currently do WIA and TAA. The purpose of the survey is to get all partners in the local areas to think through how they coordinate the rapid response services, the role each partner plays, and how to coordinate information with each other about the affected workers.

Leaders of the Office of Workforce Development, Unemployment Compensation and Local Operations have been meeting for some time now regarding coordination, including rapid response. The joint work between the three (3) offices within ODJFS is aimed at establishing more clearly defined priorities, to identify intersections, to coordinate work, and to define roles.

Inadequate information-sharing about the United Labor Agency contract:

In December 2007, ODJFS expanded the capacity of the rapid response program by contracting with the United Labor Agency (ULA) to provide statewide technical assistance for rapid response. As a part of this contract, the ULA hired staff and based them around the state in Columbus, Cleveland, Dayton, and Toledo. Unfortunately, when the contract was awarded, ODJFS did not explain how the current rapid response system and the ULA should interact with each other. The role of the ULA was not well-defined and its services were not integrated with the RRS or local areas. ODJFS did not provide written protocols to guide the interactions between the ULA and other stakeholders, nor did it set up meetings in the field between the ULA and key stakeholders in order to explain the purpose of the contract.

These failures led to confusion and mistrust among local areas about the role of the ULA. Local areas did not understand the added value of the ULA and the knowledge and skills of its staff. Some local areas shut the ULA out of the process and refused to share information. In these cases, the ULA resorted to contacting the employer or the union separately from the local area's efforts. In the eyes of local areas, these ULA actions created confusion on the part of the employer and added to the level of tension and mistrust. Over time, some of these tensions have lessened as the ULA has done its work. Some local areas have developed their own written protocols with the ULA, but this is not universal.

The ULA is committed to promoting more advanced rapid response services, such as the use of peer networks and labor-management committees, and has met with mixed success in getting local areas to see the value in these activities. As will be explained later, some local areas view rapid response as an activity that only involves basic information sharing. The ULA is not only providing rapid response services at specific dislocations, but is also undertaking an educational effort with specific local areas and through a conference this fall for union members who serve on local WIA area boards.

Today, there is still no written protocol about when and where the ULA should provide assistance, or what assistance should be provided, or about the roles and responsibilities of the ULA in interacting with other stakeholders in the system. This deficiency continues to lead to much confusion and frustration with the ULA and partners from the local WIA area, the local One Stop office, and ODJFS at both the state and local level.

LACK OF CLEAR EXPECTATIONS AND PROGRAM RULES

ODJFS has failed to establish clear expectations and program rules to guide local areas in their approach to dislocation events and the delivery of services. ODJFS has not provided clear expectations as to what rapid response services should involve beyond the minimum of holding an information session for affected workers. In too many cases, local areas have interpreted the basic minimum as all that they can do, or should do. More advanced services, such as

offering on-site transition centers, labor-management committees, and peer-to-peer networks are not routinely used. The RRS developed a document that describes the rapid response process, but the document is still marked “draft” even though it is several years old and contains a description of suggested best practices.

In the absence of a clear protocol, rapid response assistance varies significantly among local workforce areas in key respects, such as:

- Which partner organizations are brought into rapid response sessions;
- What workers are told about available WIA services, including whether training is available;
- Whether employers are offered layoff aversion assistance;
- Whether and how staff explore if a layoff was due to international trade and offer assistance with a TAA application;
- Whether staff will service smaller, non-WARN layoffs when they are otherwise busy.

There is a general expectation that county agency staff will follow up on WARN, but there are no consequences for failure to do so, and no clarity on contacting smaller employers and/or serving non-WARN situations.

BROKEN AND UNCLEAR LINES OF AUTHORITY

The RRS staff have no authority over staff in OLO or local WIA staff to make sure services are being provided, and Local WIA or County Job and Family Services (JFS) staff have no authority over OLO or any other partners. Even when expectations are clear, such as filling in pre- and post-initial contact reports, management of ODJFS in the past has not followed up to enforce requirements.

It is also difficult to ascertain precisely which staff at the local level actually have rapid response duties. At the beginning of the project, Minick requested a list of Local Area Rapid Response Designees who have been identified by the individual local WIB Boards and local elected officials as the primary points of contact to address local area dislocation events. When Minick finally received the list, it was not up-to-date.

At the same time, Minick requested a chart of organization that would identify where rapid response was positioned within ODJFS. No such document was available when requested, although one was provided at a later date. However, that document – the ODJFS Official Table of Organization, Workforce Development, dated 8/4/08 – does not accurately reflect how rapid response currently fits within the agency.

FUNDING-RELATED OBSERVATIONS

It is unclear who receives rapid response funding for rapid response-related activities. Except for the ULA contract, rapid response funds are not used to support the County JFS staff – these staff are supported with TANF or other social service program funding streams. Local WIA staff who are delivering rapid response services are funded by WIA formula dislocated worker funds. Some OLO staff request rapid response funding on an hourly basis, but this system is ad hoc and uneven across areas. A document was provided to Minick listing the names of OLO staff and increments of time that they had spent in rapid response activities, but there was no explanation of their specific activities or which dislocations they had assisted. The RRS has no control over this funding process.

ODJFS has traditionally maintained a large unspent surplus of rapid response funds. ODJFS utilizes rapid response funds to provide additional assistance to local areas for dislocation events of the size and proportion that the provision of services to the impacted workers would deplete the local WIA formula dislocated worker funds. However, there is general dissatisfaction with the emergency funding application among state and local operations staff and local WIA, albeit for differing reasons. There was a perception among state staff that local areas are using the emergency funds to deliver WIA services rather than rapid response services per se, especially in cases where a local area had transferred dislocated worker funds over to adult WIA services. There was also a perception that some of the requests for funds were driven more by political appearances than actual fiscal needs. These requests put ODJFS in a difficult position of appearing to be unhelpful to the community's needs if the request is denied. On the other hand, local areas felt that the application process was too cumbersome and that the ODJFS practice of retracting the funds at the end of the program year created unnecessary disruption to service delivery.

ODJFS also utilizes rapid response funds to ensure early intervention services can be delivered while the state applies for a National Emergency Grant; to provide funds to a local WIA when formula funds for dislocated workers have been depleted; and to fund co-enrollment of Trade-impacted dislocated workers with the local WIA program.

Rapid response dollars are also being used for layoff aversion. The state uses rapid response funds to enable Kent State University's Ohio Employee Ownership Center (OEOC) to offer employers an alternative to a plant closure by providing information and assistance about employee buyouts.

In addition, rapid response dollars are being used to build a business ownership succession planning infrastructure. As a part of *Turnaround Ohio*, in FY08 the ODJFS provided a two-year grant to OEOC to build a business ownership succession planning infrastructure and to expand the program to smaller communities in Northeast Ohio and, in FY09, to Southwest Ohio.

Finally, rapid response dollars are also being used for incumbent worker training. Under the Strickland Administration, ODJFS considered using rapid response funds to help companies that are at risk of closing or downsizing by creating incumbent worker training opportunities. Ohio requested, and the US DOL approved a waiver for the use of rapid response dollars to do incumbent worker training. Approximately \$5.7 million dollars of rapid response funds are earmarked this year for training of incumbent workers. These funds flow to the local WIA areas after the Ohio Department of Development and the local WIA area negotiate a training plan with the employers.

LACK OF COMMUNICATION

Both ODJFS and local area staff noted that many layoff events are not accompanied by a WARN notice. In some cases this is because the layoff is too small to fall under WARN jurisdiction. In fact, in some rural areas, most layoffs are too small to be covered by WARN. In other instances, however, employers simply ignore the WARN Act.

Nonetheless, local areas still receive advance notice of some of these dislocation events through a variety of means. These methods can include a preexisting relationship with an employer, newspaper or other media outlet, or “word of mouth.” Unfortunately, local areas do not routinely notify the RRS that a layoff is about to happen or has already occurred. Even more problematic, local areas do not always notify the RRS that they have conducted rapid response services for a non-WARN layoff.

INADEQUATE TRACKING SYSTEM

The rapid response tracking system is inadequate to monitor program performance and is ignored or treated casually by local agency staff in some areas. The rapid response tracking system consists of three reports: (1) an “Initial Rapid Response Contact Report,” (2) a “Post-Initial Rapid Response Contact Report,” and (3) a “Characteristics Worksheet.” In some areas the county agency staff fill in the report, but in others, OLO staff take the lead.

The Initial Report provides for basic contact information about the company, the timing and size of the layoff, and information about the individuals who are coordinating rapid response. It also records information on the initial employer meeting. A “comment” field allows for information about why the plant is closing and other information about the layoff.

The “Characteristics” worksheet asks for data about the workforce, such as wage levels and benefits, demographics, educational levels, and occupations. The information captured is based on conversations between the local area rapid response coordinator and the employer’s representative, usually an HR person, and/or the labor union. It is not the result of an employee survey.

The "Post-Initial Contact Report" tracks when worker orientation sessions were held or are scheduled, what kinds of information was provided, what additional services are planned (e.g., transition centers or job fairs), and some information about who was present at informational sessions.

Overall, these reports allow for limited basic tracking of activities, but little else. Many individuals interviewed during this project remarked that the level of compliance with reporting procedures is spotty. Some reports are not filed (more so for non-WARN events), while others are provided with missing information. There are no consequences for the failure to follow reporting procedures. There is no indication that past management used the reports to make strategic decisions about the program, although the data may have informed decisions about requests for emergency rapid response funding.

Most importantly, the current reporting system does not allow for the system to track individuals from a particular rapid response session through the WIA system. In the absence of this capacity, there is no way to evaluate the effectiveness of rapid response in general or of any specific service delivery technique. It is very difficult for the program to develop a plan for continuous improvement without this information.

LACK OF TRAINING POLICY

The review also sought to determine if there is an overall dislocated worker training policy. Although there is not a policy specifically dealing with dislocated workers, ODJFS does have policies and letters that deal with dislocated workers in part or in whole, including a general letter on program eligibility that includes dislocated worker eligibility; a Lock-out Policy that includes locked-out workers as dislocated workers; a policy on Needs Related Payments for dislocated workers; and one on discharged veterans as they relate to dislocated workers.

RECOMMENDATIONS

“We can give our economy a boost by seeing what we have and remembering what we’re capable of. It’s time to look up again.”

Ted Strickland, Governor of Ohio⁶

In the face of the economic perfect storm engulfing Ohio and the nation, Governor Strickland has committed to revitalize Ohio and importantly, his administrative team has begun to focus on rapid response. The recommendations arising from NELP’s review of Ohio’s rapid response program offer perspective on how to speed up rebuilding the program, by strategically aligning its limited staff and financial resources to take advantage of momentum from two other key state agencies, the Board of Regents and the Ohio Department of Development (DOD). Aligning the ODJFS efforts with those of these two agencies can create the perfect triad to springboard the rapid response unit’s growth.

Both the Board of Regents and DOD have released extensive and bold strategic plans that contain the critical elements needed to produce an educated and strong workforce to feed economic growth. ODJFS needs a similar plan to play the vital role of helping to retrain the existing workforce. The recommendations in this report should inform that strategic plan.

A top tier recommendation for improving rapid response services is that ODJFS must put Rapid Response Regional Managers (RRRM) into the same physical environment as the other two important economic and education leaders, the Board of Regents and DOD. The Board of Regents and the DOD are now following the same regional structure based on DOD Economic Development Regions (EDR). As reflected in the following map, these regions are:

Columbus Office (Region 1)
Toledo Office (Region 2)
Lima Office (Region 3)
Dayton Office (Region 4)
Cincinnati Office (Region 5)
Mansfield Office (Region 6)
Chillicothe Office (Region 7)
Cleveland Office (Region 8)
Akron Office (Region 9)
Cambridge Office (Region 10)
Marietta Office (Region 11)
Youngstown Office (Region 12)

⁶ The Strategic Plan for the Ohio Department of Development, www.dod.state.oh.us



The Board of Regents is using the regional EDRs as the organizational structure for the Ohio Skills Bank. High wage, high skill jobs are going unfilled in Ohio. Dislocated workers want high wage and high skilled jobs. The Ohio Skills Bank will align resources to create a demand-driven workforce.

Working with partners across business, state and local governments, academia, and the non-profit sector, DOD works to attract, create, grow, and retain businesses through competitive incentives and targeted investments. All of these business connections will be important to the SRRDWU. DOD's business expansion efforts are the epicenter of new employment opportunities. Its business retention activities could help RRRM become more invested and successful in layoff aversion. This revitalization of the business sector presents a prime opportunity for the RRRM to replace employment.

For these reasons, and many others, it is critical to co-locate **new** RRRMs with Board of Regents and DOD staff in six key EDR offices. These EDR regional offices are located in Lucas, Hamilton, Washington, Cuyahoga, Montgomery and Franklin counties. Placing the RRRMs in the economic development offices will enable them to work in concert with the economic development professionals and share day-to-day information on business expansion, retention, and revitalization efforts. The model this proposal contemplates is similar to that of Ohio's Veterans program, which is staffed by Veterans Program Managers (VPM). The VPM serves to advance in-depth services to Veterans and oversee special projects, such as services for recently returning veterans. The RRRM will serve very much in this vein to advance services to dislocated workers and to oversee special projects (like the Ohio Skills Bank information on unfilled high skilled jobs) or tap into business retention services through DOD.

Another top tier recommendation is that rapid response activities for large dislocations should be carried out by a statewide team operated and managed by ODJFS. This statewide team should be recognized as the State Rapid Response Dislocated Worker Unit and include a Program Administrator, a Manager, two (2) Technical Advisors, and a minimum of six (6) Rapid Response Regional Managers.

The State Rapid Response Dislocated Worker Unit (SRRDWU) should be assigned at the state level, and the Rapid Response Regional Managers (RRRM) should be co-located with staff of the other two important economic and education leaders, the Board of Regents and DOD. This approach should allow Ohio to offer consistent services throughout the state for all businesses and employees it serves; to analyze layoffs and economic development needs; and to assess short-term local area dislocated worker funding needs on a regional basis. This approach will better fit with the state's current economic development system while utilizing rapid response staff that will allow ODJFS to analyze the strengths, weaknesses and opportunities inherent to the local, regional and state economies with an on-the-ground team.

The SRRDWU should be responsible for the oversight, tracking, and delivery of rapid response services across the state.

The SRRDWU will receive information on plant closings and layoffs through various methods, including WARN notices, company referrals, newspapers and other media, unions, economic development offices, One Stop offices, Unemployment Insurance filings, employee inquiries, company inquiries, private outplacement referrals, and training institution referrals.

When the SRRDWU receives a WARN Notice, it should respond within 48 hours. All information on layoffs and closings should be investigated. Company meetings should be set up once a layoff or closing is verified. The first questions should involve reasons for the closing or layoff and possible layoff aversion services. All questions should be answered regarding company obligations and all state and local services should be explained. If layoffs are inevitable, a rapid response plan should be discussed and put into action for the affected employees onsite on company time (preferably). In cases where a union is involved, the union and the United Labor Agency should be encouraged to participate in all aspects of the event.

Rapid response services should be delivered through coordination by the SRRDWU with the local WIA area rapid response designees who have been identified by the individual local WIA Boards and local elected officials as the primary point of contact to address local area dislocation events. The SRRDWU should also be responsible for linking and coordinating all services available through the local One Stop delivery system for the dislocation event, including

Unemployment Compensation, Wagner Peyser, Veterans', TAA, and local operations departments.

All information on the company and employee should be captured in a tracking system.

Ensuring success of this effort requires support from the highest levels of the Governor's office, ODJFS, and DOD. Equally important, SRRDWU leadership must be visible, credible, enthusiastic, and knowledgeable. Without this kind of support and leadership, this endeavor will be less than successful.

The staff of the SRRDWU must also be highly trained and skilled. The tasks and duties of the SRRDWU staff described in **Appendix H** should be recognized as minimum requirements of the knowledge, skills and attributes SRRDWU staff must possess. **Appendix I** describes the tasks and duties of the Rapid Response Regional Manager and similarly should be viewed as establishing the threshold for skills, knowledge and attributes these employees must possess.

Currently, ODJFS rapid response services are delivered through the existing Office of Local Operations (OLO) staff housed throughout the One-Stop Centers. According to information gathered through the interview process, current estimated average costs for rapid response staff services from OLO are about \$108,000 per person, including:

- Salary and fringe benefits at \$95,000 per person
- Housing costs (negotiated through the One-Stop MOU) at \$8,000 per person
- Travel at \$5,000 per person

Additional OLO rapid response expenses are realized due to the amplified supervisory structures of OLO.

The proposed Rapid Response Regional Manager position should be funded at a salary range of \$60,000 to \$75,000 with additional costs of 35% for benefits. It is also recommended that this position be listed as unclassified.

In addition to the two top tier recommendations described above, NELP proposes the following additional recommendations to ODJFS for its consideration. These recommendations grow out of NELP's review of Ohio's rapid response policies and practices as well as interviews with management and stakeholders.

1. *ODJFS should contract with the local WIB Boards to provide local rapid response WIA staff to deliver rapid response services in Ohio's 20 local WIA areas. Funds should be provided for this purpose to the local WIB Boards on a formula basis that provides for baseline support in all local WIA areas and*

that takes into account past dislocated worker activities and the number of counties in a given local Workforce Investment Area.

As described above, NELP is recommending that rapid response activities be carried out by one statewide team operated and managed by the ODJFS, SRRDWU. The SRRDWU will assign staff as liaisons to each of the local WIA areas, to advise them about appropriate methods to respond to specific layoff events and ensure that adequate resources are available at the local level to meet worker dislocation response needs (i.e., determine whether additional assistance is needed).

Each local WIA area must identify rapid response designees who have been identified by the individual local WIB Boards and local elected officials as the primary point of contact to address local area dislocation events. In cases where the local WIA system does not have qualified staff or a desire to provide this function, then consideration should be given to other local WIA areas or to Community Action Agencies that express an interest in providing rapid response services. Some Community Action Agencies are already involved in local area dislocation events and several others have expressed a desire to be involved in the delivery of rapid response services.

These rapid response designees should attend training sessions provided by the SRRDWU to learn all aspects of rapid response and to become certified to provide a rapid response service.

In dislocation events, the SRRDWU should notify the local WIA areas of all notices of layoff/closure it receives, including those under the federal WARN requirements. In addition to these formal notices, local WIA areas should adopt various methods, tailored to their unique business situations, to become aware of impending layoffs. The expertise of each of the local WIBs promotes awareness of local layoff situations. Further, business contacts made under the auspices of the local WIBs provide information that assists the local rapid response designee to detect impending layoffs/business closures in advance of their occurrence.

For layoffs of less than 50 workers, the local WIA rapid response designees should be responsible for initiating contact with the employer and facilitating an initial meeting of the local rapid response team, preferably on-site, with the employer and workers' representatives (if applicable). The local rapid response designee should also be responsible for linking and coordinating all services available through WIA and the local One Stop delivery system for the dislocation event, including Unemployment Compensation, Wagner Peyser, Veteran's, TAA, and Local Operations departments.

All information on the company and employee should be captured in a tracking system.

The SRRDWU should require the local WIA areas to submit on-site visit reports regarding their rapid response activities related to specific layoffs/business closures. These reports should include detailed information on the nature of the layoff, the expectations for future activity, and the entities participating in the rapid response. ODJFS should maintain a database of this information to track all WIA expenditures and all WIA-enrolled participants, including participants who are enrolled in WIA. Services provided to such dislocated workers and reported on should include the core, intensive, and training services provided at One-Stop centers. Reporting for all National Emergency Grant programs should also be included.

It will be important for the local WIB Boards to track and report their fiscal expenditures under their contracts with the ODJFS. When funds are nearing depletion, the local WIB Boards should request additional rapid response dollars from ODJFS. The request and turnaround time should be handled as quickly as possible to prevent disruption of rapid response services.

2. *ODJFS should review and prioritize the use of its rapid response funds to better ensure the provision of rapid response services.*

Part A: This review should ensure that enough funds from the 25 percent funds allotted to the State under section 132(b)(2)(B) for a fiscal year for statewide rapid response activities are being used to adequately fund the SRRDWU.

Although there are several references in WIA and the final rules on the use of rapid response funds, it is important to recognize the importance of the new section 665.340 of the final rules. This rule discusses the use of reserve funds to provide additional assistance to local areas and makes it clear that a State must reserve enough funds from its 25 percent funds to adequately fund its rapid response unit.

Part B: As a part of this recommendation, NELP further recommends that Ohio conduct independent evaluations of all recipients of rapid response funds, including local WIA areas, Kent State University's Ohio Employee Ownership Center, Ohio's Community College system, the United Labor Agency contract, and all recipients of rapid response funds to assist in prioritizing funding initiatives and amounts.

Part C: Additionally, NELP recommends the establishment of a programmatic and fiscal reporting system from all current and future recipients of rapid response funds as well as establishing an on-going line of communication with ODJFS.

3. *ODJFS should ensure and monitor the timeliness of the provision of rapid response services and quickly determine whether there are enough formula funds in the State (at the State or local levels) to adequately serve the workers being dislocated.*

Section 101(38)(A) of WIA requires on-site contact with employers and employee representatives **immediately** after the State is notified of a current or projected permanent closure or layoff, or in the case of a disaster, **immediately** after the State is made aware of mass job dislocation as a result of the disaster. US DOL added the phrase "immediate" to paragraph (a) of 665.310 of the final rules to reiterate the statutory requirement.

It is widely known and accepted that rapid response should be a "sooner versus later" activity. The sooner rapid response begins, the sooner workers can receive the full array of needed services (including training) before they are laid off. History shows that initiating rapid response while workers are still employed, or receiving unemployment benefits or severance payments is very beneficial. Acting sooner also allows more time to explore layoff aversion.

Section 665.300 of the final rules describes what rapid response activities are and who is responsible for providing them. Under these rules, rapid response assistance should begin at the dislocation site as soon as a state has received a WARN notice, a public announcement or other information of an impending mass dislocation or plant closure. This early intervention feature for dislocated workers, if provided in a comprehensive and systematic manner through collaboration between the state and local boards, One-Stop partners and other appropriate entities, is critical to enabling workers to minimize the duration of unemployment following layoff. US DOL strongly urges states and local boards to implement processes that allow for core services to be an integral part of rapid response assistance, preferably on-site, if the size of the dislocation or other factors warrant it. Further, WIA defines "dislocated worker" in section 101(9) in a way that permits funds to be used for intensive and training services for workers: (1) as soon as they have layoff notices; or (2) six months (180 days) before layoff if employed at a facility that has made a general announcement that it will close within 180 days.

This period is a critical time for workers, ODJFS, local WIA boards, One-Stop operators and other partners to begin to make important decisions. One important decision is whether there are enough formula funds in the state (at the state or local levels) to adequately serve the workers being dislocated, or whether national emergency grant funds, authorized under section 173 of WIA and discussed in 20 CFR part 671, must be requested in a timely manner so that all services are available to the workers when they need them.

4. *ODJFS should better ensure coordination of services.*

Section 665.310(b) of the final rules requires that information and access to unemployment compensation benefits and comprehensive One-Stop system services, including information on TAA, be provided to affected workers.

The SRRDWU should be responsible for ensuring that all necessary actions, including coordination of all available resources, are taken during a dislocation event. Mandatory team members responding to the dislocation should include representatives of the local WIA area, the One-Stop office, and ODJFS Unemployment Compensation and Wagner Peyser staff, and the United Labor Agency (where appropriate and as described in its contract with ODJFS).

The involvement of additional team members in a particular rapid response event is flexible to reflect the needs of that event. For those dislocation events for which there is likelihood that the layoffs may be certified under the TAA, staff from ODJFS representing TAA should also be included on the local rapid response team. It may also be appropriate to include a Veteran's representative on the local rapid response team.

5. *ODJFS should establish clear guidelines for the use of labor-management committees in dislocation events.*

Section 101(38)(C) of WIA states that rapid response should include "assistance in establishing a labor-management committee, voluntarily agreed to by labor and management, with the ability to devise and implement a strategy for assessing the employment and training needs of dislocated workers and obtaining services to meet such needs."

The purpose of a labor-management committee is to develop a comprehensive plan for individuals faced with layoffs, using resources available from federal, state and local resources, as well as contributions from employers, unions, and community organizations. (See **Appendix J** for a description of the role of a labor-management committee and **Appendix K** for a description of the benefits of these committees.) The use of labor-management committees is considered a best practice in responding to the reemployment needs of the workers. Similarly, a community adjustment committee, where appropriate, is considered a best practice in responding to the reemployment needs of the workers and a great approach to serving the needs within the community of the dislocation event.

6. *ODJFS should monitor and track the provision of rapid response services, including services and outcomes for individuals, and collect and utilize customer satisfaction data from employers, unions, and dislocated workers.*

Measurable goals should also be established by ODJFS to ensure appropriate feedback. The information reported should be adequate to help identify problems that exist and facilitate changes necessary for continuous improvement of rapid response activities.

The SRRDWU and the local WIA areas should submit onsite visit reports regarding their rapid response activities related to specific layoffs/business closures. These reports should include detailed information on the nature of the layoff, the expectations for future activity, and the entities participating in the rapid response. ODJFS should maintain a database of this information to track all WIA expenditures and all WIA-enrolled participants. Reports should also catalog the services provided to such dislocated workers, including the core, intensive, and training services provided at One-Stop centers. Reporting for all National Emergency Grants programs should also be included.

7. *ODJFS should implement a rapid response management information system that records contacts with employers, service delivery progress and scheduling, and individuals' progression from rapid response sessions through WIA services.*

The proposed management information system is a tall order, but Ohio is a state with many dislocations occurring at once, and effective rapid response depends on the coordination of a number of different organizations. This management information system should allow all of the key stakeholders – the SRRDWU, the ODFJS Office of Unemployment Compensation, Local Operations, county agencies and workforce areas, and the ULA – to coordinate scheduling and services. In that respect, the management information system would do more than simply track information; it would also facilitate communication. Unlike the current limited one-way flow of information, the system should allow for the recording of significant issues that come up with dislocations, for example, how severance pay should be handled in relation to unemployment compensation. The system should include both WARN and non-WARN events, and any activities that are chargeable against the rapid response budget. (Although TAA services are beyond the scope of this report, it would be extremely useful for purposes of supplier company certification to be able to track dislocations on a statewide basis).

In order to track individual workers, the system could adapt SCOTTI “mini-registration” protocols that currently exist. Some ODJFS staff expressed concerns about employers’ and workers’ willingness to provide social security numbers before services even begin. This is a legitimate concern that management will have to consider. It should be pointed out that ODJFS already has some experience with an alternative tracking system that OLO used in an “early intervention initiative” pilot project several years ago. This

project requested individuals to provide their names and the last four digit of the SSN. The pilot required weekly reports on the progress of services and their outcomes, and an accounting of staff hours that could be charged to the rapid response budget.

In order to ensure that the management information system serves the important function this recommendation contemplates, agencies and individuals responsible for reporting must be held accountable. Unlike the current system, failure by contractual agents to follow reporting procedures should have real consequences.

8. *ODJFS should establish an overall policy for how One-Stops should prioritize services for dislocated workers and require a formal agreement with One-Stops about how the handoff from rapid response to the One-Stops will occur.*

ODJFS must advocate for a stronger system that better connects dislocated workers to One-Stops for services. Consistent with this approach, ODJFS should make clear that dislocated workers served by rapid response should be given priority when moved into the One-Stop system. ODJFS should require a formal agreement about how the handoff from rapid response to the One-Stops will occur. This could be done by a contract, a policy, or a Memorandum of Agreement.

Furthermore, ODJFS should develop procedures that transition dislocated workers from rapid response services to the One-Stops. These procedures should ensure that:

- Rapid response does the initial screening and "intake" function and that intake need not be duplicated at the One-Stop.
- The initial screening and "intake" function should be formalized and automated.
- The initial screening and "intake" should be transmitted to all One-Stops in the local area.
- One-Stops conduct appropriate and necessary outreach to all dislocated workers that rapid response has identified as needing intensive and/or training services.

In all, getting dislocated workers from rapid response efforts to One-Stops should be given a high priority by ODJFS.

9. *ODFJS should continue to contract with Kent State University's Ohio Employee Ownership Center for layoff aversion services, and to help build a business ownership succession planning infrastructure.*

The State uses rapid response funds to enable Kent State University (KSU) Ohio Employee Ownership Center (OEOC) to offer employers an alternative

to a plant closure, by providing information and assistance about employee buyouts. This layoff aversion project provides employers and workers with access not only to information about employee buyouts, but will also provide financial assistance in securing a pre-feasibility study. OEOC is a nationally recognized organization which specializes in establishing ESOPs.

Over the last four years, the OEOC screened 75 plants or companies for possible preliminary feasibility studies; these operations employed 23,603 workers. OEOC uses a screening process to avoid clearly economically unviable employee-buyout efforts and those without significant employee support.

In this four-year period, the OEOC approved grants for 20 feasibility studies. Seventeen such studies were completed, involving ten companies employing a total of approximately 4,500 workers.

Of the ten companies, four either now have, or are expected to soon have some level of employee ownership. Together, these four companies are expected to employ about 450 workers. One of the four involves management and the employees reopening a closed facility, and OEOC has approved three follow-on grants to help them. The total grant cost per job retained/created under employee ownership is about \$300.

Three of the ten companies were purchased by outside groups that are now operating the companies. These three firms employ approximately 2,850. In the largest of these cases, the eventual outside purchaser had previously walked away from buying the plant but was attracted back by the employee buyout effort.

Of the remaining three companies, one (which employed 800 workers) was purchased by a foreign competitor and subsequently closed. The other two companies, employing roughly 185 people, decided against selling to their employees. Both are still open but clearly remain at risk.

Employee ownership is not a magic formula for averting shutdowns. But under the right circumstances – and given early warning – employee ownership can save individual companies and plants that otherwise would likely face closure. In those affected communities, saving jobs expands the local labor market and the local economy while saving the State of Ohio many thousands of dollars by reducing the need for unemployment compensation payments and other social services.

The Ohio Preliminary Feasibility Study Grant Program is an inexpensive best-practice program that is successful in retaining jobs. Funding for this important program should continue.

The OEOC has already established a major inroad in building a business ownership succession planning infrastructure with the use of rapid response dollars. Job retention and creation is a cornerstone of "**Turnaround Ohio**"⁷. While retaining and growing businesses in Ohio's largest industries and firms is critical, Ohio also needs to look to the jobs of the future. In many of Ohio's cities and towns, small and medium-sized businesses are the only type of employers adding jobs in Ohio. Business succession planning is a good use of rapid response dollars and should be seen as a best practice in job retention and job creation. Funding for this important initiative should continue as well.

10. Ohio should continue to contract with the United Labor Agency for rapid response related services.

WIA provides many opportunities for participation by stakeholders, and US DOL encourages states to be as inclusive as possible in planning and implementing their rapid response activities. Just as WIA recognizes the important role of business and labor in the makeup of state and local boards, the inclusion of both interests in the design and operation of rapid response activities is equally important. The state, however, is responsible, under section 134(a)(2)(A)(i) of WIA for providing rapid response activities, and it is up to the state to determine how it will plan for and implement those activities. States have maximum discretion in the design of their programs.

Section 665.320 of the final rules details rapid response activities that a state or designated entity may provide in addition to the required rapid response activities in 665.310 of the final rules. To the extent a state or designated entity conducts any of the activities listed in paragraphs (a)(1) through (3) of 665.320 of the final rules, those activities must be conducted in conjunction with the groups listed in paragraph (a) of 665.320 of the final rules. Labor organizations are explicitly included among those groups. US DOL encourages States to continue working in collaboration with all interested parties when providing rapid response activities.

In 2007, the United Labor Agency⁸ (ULA), with the support and encouragement of the Ohio AFL-CIO, secured a contract with ODJFS that supports a series of activities designed to improve services to laid off workers, advance the competitiveness of manufacturing firms in the state, retain jobs in the sector and connect labor with the public workforce system. Providing rapid response services and Peer-to-Peer training are key elements of this contract.

⁷ <http://csa.das.ohio.gov/TurnaroundOhio/TurnaroundOhio/tabid/75/Default.aspx>

⁸ In February 2008, NELP received a contract from ULA to provide rapid response training to ULA staff.

Partnering with Labor Program Operator organizations, as they are commonly referred to, has been shown to be a best practice in rapid response service delivery. At least twenty (20) states have contracts in place with the AFL-CIO state federation, or other labor-based organization in their states. All of these contracts provide for the inclusion of labor as an integral part of their rapid response systems. These contracts allow a “labor-led intervention” in dislocation events by educating union leaders on how to respond to their members’ concerns. These labor organizations also serve as an advocate with employers and public service agencies. Some states consider their rapid response systems to be a “best practice” as a result of their contract with the AFL-CIO state federation, or other labor-based organization in their state. Within the U.S. Department of Labor Region 5 territory, which includes Ohio, five (5) other states besides Ohio have contracts with their AFL-CIO state federation. These are Illinois, Michigan, Minnesota, Missouri, and Wisconsin. For more information about the contracts with AFL-CIO state federations and other labor-based organizations in Region 5 states, see Appendix K.

In addition to continuing its ULA contract, ODJFS should encourage and support ULA efforts to look to other labor-operated programs to learn best methods and approaches to providing rapid response services and the delivery of services to dislocated workers. The ULA should share its findings with ODJFS and local workforce development stakeholders, to provide another venue for ongoing improvements to Ohio’s rapid response system.

CONCLUSION

NELP recognizes and commends the ongoing commitment of the Ohio Department of Job and Family Services for its efforts to improve the rapid response system. As this report details, improving the state's rapid response system is essential to better serving employers, workers, and the communities in Ohio impacted by job losses.

This report presents the findings from an information gathering process that involved a variety of stakeholders reflecting on Ohio's rapid response system. The thoughtful insights and genuine concerns expressed by these stakeholders helped shape the recommendations offered in this report and their continued support and efforts will be necessary to move these recommendations forward.

In Ohio, many stakeholders and partners make up the public workforce investment system. These stakeholders and partners, along with local elected officials, have created strong coalitions that also include employers, labor organizations, education, economic development, community based organizations, and many others; their role in workforce development is necessary and important. But the role of the providers of services to dislocated workers needs to be recognized and applauded too. Ohio owes debts of gratitude to many for their success in serving dislocated workers. Their efforts and accomplishments in getting dislocated workers reemployed and retrained for good jobs in expanding industries requires hard work and commitment, and to those folks NELP is grateful.

TECHNICAL NOTE

The findings in this report are based on an information-gathering process that involved a review of volumes of materials and interviews with a variety of stakeholders reflecting on Ohio's rapid response System. The materials reviewed, and the list of individuals interviewed can be found in the following Appendices:

- **Appendix A**, for a list of all written materials regarding Ohio's Rapid Response structure and organization that were provided to and reviewed by Minick
- **Appendix B**, for a list of all written materials regarding Ohio's Rapid Response funding that were provided to and reviewed by Minick.
- **Appendix C**, for a list of all materials regarding Ohio's Rapid Response system that were provided to and reviewed by Minick.
- **Appendix D**, for a list of materials regarding policies and letters that deal with dislocated workers.
- **Appendix E**, for a list of names and organizations of state staff and state practitioners interviewed by Minick.
- **Appendix F**, for a list of names and organizations of local practitioners and key organizations interviewed by Minick.

APPENDIX A: Materials regarding rapid response structure and organization

The following is a list of all written materials regarding Ohio's rapid response structure and organization that were provided to and reviewed by Minick.

- ODJFS Official Table of Organization, Workforce Development dated 8/4/08
- ODJFS Workforce Development, RCAT/Location Distribution Summary Report for 7/1/2007 to 6/30/2008
- ODJFS Unemployment Compensation, RCAT/Location Distribution Summary Report for 7/1/2007 to 6/30/2008
- ODJFS Local Operations, RCAT/Location Distribution Summary Report for 7/1/2007 to 6/30/2008
- ODJFS Local Operations, RCAT/Location Distribution Summary Report for 1/01/2008 to 6/24/2008
- Local Area Rapid Response Contacts dated 9/15/08

APPENDIX B: Materials regarding rapid response funding

The following is a list of all written materials regarding Ohio's use of rapid response funding that were provide to and reviewed by Minick:

- Memo regarding the Transition to the Quarterly Information Consolidation/CORE (Central Office reporting system)
- WIA Funding Flow Chart for PY08/FY09 showing all WIA allocations including rapid response funds
- Quarterly Expenditure Breakout for WIA Rapid Response
- State of Ohio Workforce Investment Summary, April 2008 Monthly Report prepared by ODJFS Office of Workforce Development and dated 7/3/08
- Rapid Response Report, Revenue, Commitments and Expenses dated 6/6/08
- Ohio WIA and Wagner-Peyser SFY 2008 Activity Report prepared by ODJFS Office of Workforce Development and dated 8/21/08
- Several financial reports of the Weekly Rapid Response Checkbook Update
- Draft SFY 2009 WIA Rapid Response Annual Budge Planning Document
- Draft SFY 2010 WIA Rapid Response Annual Budge Planning Document
- Draft SFY 2011 WIA Rapid Response Annual Budge Planning Document

APPENDIX C: Materials regarding Ohio's rapid response system

The following is a list of all written materials regarding Ohio's rapid response system that were provided to and reviewed by Minick:

- Setting Ohio's Talent Agenda, A Report to Governor Ted Strickland and Lieutenant Governor Lee Fisher with Action Recommendations from the Ohio Talent Tiger Team, March 6, 2007
- Ohio's Strategic State Plan, Title I of the Workforce Investment Act of 1998 and the Wagner-Peyser Act, Modification Effective September 29, 2007 to June 30, 2009
- ODJFS web pages regarding WIA Information, Eligible Training Provider List, Program Policy, and Rapid Response
- ODJFS web pages regarding the Workforce Analysis 2007 for the Employment Source and the Employment and Training Connection documents
- Memo from the Office of Workforce Development titled the Final Draft of Protocol Rapid Response and Dislocated Worker Services dated 7/12/2007
- Memo from the Director of ODJFS regarding Rapid Response Funded Needs-Related Payments to Dislocated Workers dated June 19, 2007
- Memo from the Office of Workforce Development dated July 30, 2007 regarding the Availability of Funding for Outreach Activities Related to Dislocated Workers
- Memo from the Office of Workforce Development dated May 6, 2008 regarding Rapid Response – Labor-Management Committees
- Guidelines and Application for Rapid Response Emergency Assistance Funds to Serve Dislocated Workers in Program Year 2007 Rev 7/03/07
- Memo and other correspondence regarding SFY 2008 Rapid Response Allocation Request #4 (FY08) – Area 6
- Procedures for applying for National Emergency Grant
- NEG Disaster Grant Document List that includes:
 1. Common Documents Related to NEG Workflow that describes the documents used in the standard NEG Disaster Grant process.
 2. Site Monitoring Documents that describe the documents provided to groups such as Local Operations when ORAA cannot monitor a disaster grant sites (ORAA is always responsible for monitoring some aspects of a WIA grant).
 3. Example Documents that give examples from the NEG disaster grant process.
- An ODJFS Technical Assistance Guide for Establishing Adjustment Committees including Appendix and Sample Forms
- Rapid Response Policy for Southwest Ohio Region Workforce Investment Board

- Rapid Response Policy for MCTA Staff
- Initial Rapid Response Contact Report Form
- PowerPoint presentation used at Initial Rapid Response meetings submitted by MCTA
- Various versions of a Characteristics Worksheet
- Post-Initial Rapid Response Contact Report form
- Rapid Response Report submitted by OLO/ES District 1, Northwest Ohio showing activities as of 8/27/08
- Rapid Response Report submitted by District 4 for period 1/1/08 through 9/8/08
- Seneca County Dislocation Update for week of 7/14 – 7/18 submitted by Seneca County DJFS
- PowerPoint presentation WIA Monthly Report Statistics, April 2008
- Ohio Workforce Investment Mass Layoff Activity Operational Report, May 2008
- Report on Plant Closing – Worker Adjustment Team from Chris Montalbino, Cooper Standard Automotive to All Archbold Employees
- An Owner's Guide to Business Succession Planning, submitted by the Ohio Employee Ownership Center

APPENDIX D: Materials regarding policies and letters that deal with dislocated workers

- Workforce Investment Act (WIA) Transmittal Letter No. 37, Common Measures Reporting dated March 21, 2008
- Dislocated Worker Eligibility - Discharged Military Service Members/Military Spouses dated November 8, 2006
Workforce Investment Act (WIA) Transmittal Letter No. 31, Rapid Response Funded Needs-Related Payments to Dislocated Workers dated June 19, 2007
- WIA Eligibility Determination and Documentation, Workforce Investment Guidance Letter 6-2000 dated August 15, 2000

Appendix E: Names and organizations of state staff and state practitioners interviewed by Minick

Teresa Applegarth, Manager, Grants and Budget Unit, Office of Workforce Development, Ohio Department of Job and Family Services

George Bentfeld, Local Operations Coordinator, District 2 - NE Ohio, Ohio Department of Job & Family Services

Randy Briggs, Rapid Response Coordinator, Office of Workforce Development, Rapid Response Section, Ohio Department of Job and Family Services

Judi Cicatello, Deputy Director, Office of Unemployment Compensation, Ohio Department of Job and Family Services

Deb Cole, Workforce Development Administrator, Licking County Department of Job and Family Services

Connie Cornett, Assistant Director, Ottawa County Department of Job and Family Services

Susan Crotty, Deputy Director, Office of Workforce Development, Ohio Department of Job and Family Services

Mollie de Rojas, District Coordinator, District One, NW District, Ohio Department of Job and Family Services

Kevin Giangola, Assistant Deputy Director, Office of Workforce Development, Ohio Department of Job and Family Services

Larry Hampton, District Coordinator, Office of Local Operations, Ohio Department of Job and Family Services

Terry Janke, District Coordinator, Ohio Department of Job and Family Services, OLO/ES

Shancie Jenkins, Assistant Deputy Director, Office of Local Operations, Ohio Department of Job and Family Services

Bill Lind, UC Program Administrator, Office of Unemployment Compensation, Ohio Department of Job and Family Services

Sue Newland, Rapid Response Coordinator, Workforce Services/Rapid Office of Workforce Development, Ohio Department of Job and Family Services

Kathy Oliver, Director, Seneca County Department of Job and Family Services

Wendy Patton, Rapid Response Program Administrator, Ohio Department of Job and Family Services

Julie Smith, Deputy Director, Office of Local Operations, Ohio Department of Job and Family Services

Geoffrey Steele, Assistant Director, Clark County Department of Job and Family Services

Judith Wauford, Director, Hancock County Department of Job and Family Services

John Weber, Interim Assistant Deputy Director, Office of Workforce Development, Ohio Department of Job and Family Services

Alice Worrell, Chief, Trade and Reemployment Services Section, Office of Unemployment Compensation, Ohio Department of Job and Family Services

Appendix F: Names and organizations of local practitioners and key organizations interviewed

Mark Barbash, Chief Economic Development Officer, Ohio Department of Development

Kerrie Carte, Development Specialist, WSOS Community Action Agency, Inc.

Bert R. Cene, Director, Mahoning and Columbiana Training Association, Workforce Investment Area #17

Robert (Bo) Chilton, Executive Director, Columbus/Franklin County Community Action Agency

Philip E. Cole, Executive Director, Ohio Association of Community Action Agencies

Jerry Collamore, President, The Collamore Group, Inc.

Malcolm J. Costa, Executive Director, Akron, Summit Community Action

David Dhurmn, Madison County Commissioner

Thomas D. Fellrath, Director, Ohio Skills Bank, Ohio Board of Regents

Bob Garbo, Executive Director, Hocking, Athens, Perry Community Action

Jerry Good, Regional Economic Development Director, Ohio Department of Development

Dave Hannans, Executive Director, Pickaway Community Action Agency

John Logue, Director of Ohio Employee Ownership Center and Professor of Political Science, Kent State University

Kathy Maybriar, Workforce Policy Manager, Workforce and Talent Division, Ohio Department of Development

Neil McCabe, CEO, WSOS Community Action Agency, Inc.

Otto Nicely, Defiance County Commissioner

Lisa Patt-McDaniel, Director, Workforce and Talent Division, Ohio Department of Development

Julie Perry, Highland CAC

Rosie Picklesimer, Director, Workforce Development Area #1, Workforce Connections of Adams, Brown, Pike and Scioto Counties

Chris Reis, Field Services Manager, Office of Community Services, Ohio Department of Development

Alice Stephens, Executive Director, The Employment Source

Steve Sturgill, Operations Director, Workforce Connections of Scioto County

Nick Sunday, Chief, Office of Community Services, Ohio Department of Development

Bill Thacker, Workforce Connections of Scioto County

Terry Thomas, Associate Vice Chancellor, Adult Workforce Development, Ohio Board of Regents

Marcia Tolles, Director of Rapid Response, Ohio AFL-CIO

Beth Tsvetkoff, Policy Analyst, County Commissioners' Association

Appendix G: Excerpts from interviews

The following is a representative sample of comments made by persons interviewed during this study. While some interviewees were positive about the current rapid response structure and its effectiveness (as reflected in some comments below), criticism of the program far outweighed positive commentary.

DEFICIENCIES IN THE OPERATION OF RAPID RESPONSE

"Rapid response needs to be managed."

"We need a primary person to be responsible for rapid response."

"We need quality staff that represent programs and services."

"Rapid response should be handled by management level not bargaining unit."

"We need a more standardized and consistent system of rapid response, including reporting."

"Coordination of services is hit and miss."

"Programs are too territorial."

"Lack of clarity between programs."

"We don't have good follow-up to UC and Trade."

"We need state level team meetings to be held on regular basis."

LACK OF CLEAR EXPECTATION AND PROGRAM RULES

"Rapid response has been very confusing and very ugly for a long period of time."

"No direction from the state."

"There are no procedures in writing although we did have something 10 years ago."

"We need materials that describe rapid response."

"There is a difference between policy and procedures."

"There is no policy, no direction, no expectations, and no structure. We have 88 different counties doing 88 different things, with some success and some catastrophes. Locals may think they are wonderful and may not be because they don't know right from wrong."

BROKEN AND UNCLEAR LINES OF AUTHORITY

"We have not defined rapid response activities."

"We have not said who is responsible for rapid response."

"Local Ops should be seen an extension of rapid response unit."

"Some local One-Stops don't want to get involved with rapid response and others do."

"Only big dislocations get attention."

"Local response allows customized approach versus a state cookie cutter approach."

FUNDING-RELATED OBSERVATIONS

"We have to use our WIA formula money to pay for our rapid response activities."

"If we had rapid response money up front we could have dedicated staff."

"Funding comes out of shared costs. It would be nice to have specific funding. TANF is being charged particularly when the dislocation involves families. This will change as TANF dollars are reduced."

LACK OF COMMUNICATION

"There were no procedures sent out explaining ULA."

"Locals do many rapid response type activities that the state doesn't even know about."

"Some of the businesses are too small to come to state attention but are important to the local economy."

INADEQUATE TRACKING SYSTEM

"There is no accurate tracking of WARN process."

"We need to have a better reporting system in place that captures who was at meetings."

"Scotti is not set up to track the kind of data we need."

"People hate Scotti."

"Tracking means accountability and LEO's only care about the money."

"Counties want to provide reports to the state but want to be left to do their job."

"People are filling out multiple applications for help instead of simplifying the process."

LACK OF TRAINING POLICY

"We need to do a better job of finding out what workers need."

"We need to get away from the welfare approach."

"Virtual One-Stop is a bunch of garbage."

APPENDIX H: Tasks and duties of State Rapid Response Dislocated Worker Unit staff

To successfully perform the tasks and duties within the State Rapid Response Dislocated Worker Unit a person must possess the knowledge, skills and attributes as described below:

- **Federal Laws and Regulations:** Includes WIA (including NEG), TAA, and WARN.
- **State Laws:** Includes knowledge of plant closing notification laws and other State enabling legislation.
- **Unemployment Insurance:** Includes federal and state eligibility, benefits and UI profiling.
- **Economic Development Issues:** Includes aversion strategies and practices.
- **Other Available Resources:** Includes specific knowledge of resources required to provide rapid response services to dislocated workers. Examples of these resources include Unemployment Insurance benefits and compensation, general understanding of COBRA, ERISA, HIPAA and State temporary health insurance programs, other programs provided by outside agencies available services and capacity, community resources and training providers, and the location of potential and actual resources.
- **Labor Relations/Union Structure:** Includes knowledge of union structure, labor management relations, labor history and the negotiation process.
- **The ability to communicate:** Includes a wide range of interrelated skills including negotiating; communicating effectively with individuals at all levels from low skilled hourly workers to company officers, communicating vision, mission and core values to rapid response team members, other partner agencies and the community at large, displaying tact and diplomacy exhibiting verbal, written, and computer skills such as composing an email, listening actively; and developing and making presentations.
- **Planning, Organizing and Evaluating:** Includes skills such organization and planning evaluating the effectiveness of service providers and own, performance; managing and understanding local State and federal policies and investigating and searching for data and facts.
- **Relationship Building:** Refers to the process of developing relationships with industry executives associations and other business and community leaders.
- **Customer Oriented:** Demonstrates respect for internal and external customers, serves as an effective advocate, and is sensitive to issues of cultural diversity, and empathy. Can respond to feedback in a timely fashion and make adjustments as necessary.
- **Maintain Credibility:** Maintains confidentiality, maintain ethical and principled demeanor.
- **Flexibility:** Demonstrates resourcefulness and creativity in event management, maintains a flexible attitude, and maintains a flexible schedule.

APPENDIX I: Rapid Response Regional Manager job description

Salary Range - \$60,000 to \$75,000

Unclassified

To successfully perform the tasks and duties within the State Rapid Response Dislocated Worker Unit a Rapid Response Regional Manager must be able to:

- Under general direction, serve as agency manager (i.e., on behalf of agency, formulates and is responsibly for directing implementation of policy) for rapid response management for all internal and external grants administered by ODJFS.
- Develop plans and writes agreements for ODJFS dislocated worker related grants (i.e., rapid response, National Emergency Grants, etc.) Analyzes, reviews and revises grant programs to ensure compliance with federal and state guidelines
- Monitor and analyze the financial and programmatic implementation of awarded grants (i.e., reviews expenditure reports, participant service reports) in order to determine program effectiveness and impact
- Analyze internal expenditure data to determine if grants have been properly charged and services are deployed
- Monitor work product of grant recipients to assess the need for technical assistance, training and/or corrective action plans. Assist supervisor with the development of technical assistance and training plans for grant recipients statewide
- Monitor recipients to ensure program readiness and/or compliance of grant implementation procedures
- Assist recipients in preparing quality improvements/corrective actions plans; develop and revise program policies and procedures in accordance with changes in federal funding and allocation; develop technical assistance manuals, guidance letters, training materials; develop program plans and proposals
- Prepare comprehensive written reports on each layoff or layoff aversion based upon federal guidelines, summarizing implementation plans, findings and recommendations
- Direct implementation of rapid response and National Emergency Grants relative to the review, fiscal control and funding allocation process for federal funds
- Defend methods used to create reports; operates personal computer to store, create and retrieve documents
- Perform other related duties as assigned (i.e., attends staff meetings, conferences and training); compile and generate narrative and statistical reports and/or presentation
- Respond to inquiries from citizens, federal and state legislators, client advocacy groups and other interested parties regarding grant management

- Assist on special projects; maintain logs and files

Appendix J: Role of a Labor-Management Committee

The role of a Labor-Management Committee is to:

- Determine if formal LMC Agreement is necessary
- Define mission and purpose
- Recruit fellow workers to access services
- Collect information on needs of workers
- Help determine services to be provided based on employee needs
- Identify community and financial resources
- Determine if Peer program should be implemented
- Provide social support group for dislocated worker
- Track progress of each affected worker in terms of education, training, and new employment
- Provide mechanism for disseminating factual information and minimizing rumors
- Organize job search training, job clubs, job fairs
- Organize retraining opportunities for affected workers
- Develop and implement comprehensive adjustment program with workforce development system which emphasizes employment/training
- Develop information newsletter
- Hold information sessions at workplace
- Develop referral process to local service providers
- Work with Economic Development to attract and create new jobs
- Help sell and market community and its' workforce
- Inform community on what is going on and needs of workers

Appendix K: Benefits of a Labor-Management Committee

The benefits of a Labor-Management Committee include:

- *Earlier reemployment* - forming committee and focusing attention and services on workers will get reemployment activities started more quickly enabling workers to take advantage of job openings as they occur.
- *Workers helping workers* - involving workers in planning transition services helps build acceptance of program. Also provides opportunities for workers to discuss their service needs with committee members.
- *Coordination of services* - committee helps coordinate resources and activities to ensure the right services are available.
- *Increased motivation* - workers who become motivated are more likely to participate in a program when they see the company and fellow employees working together to help them find new jobs and training opportunities.
- *Productivity and morale* - experience shows that high absenteeism and decreases in productivity are avoided when company and workers participate cooperatively in providing transition assistance.
- *Positive labor-management relations* - working together to solve problems in positive way reduces labor/management tension. Involvement of affected unions also helps build worker acceptance of programs.
- *Positive community impact* - major layoffs and plant closings attract public attention. The way in which these events are handled will determine if attention reflects positively.
- *More effective use of resources* - companies sometimes offer severance packages and some collective bargaining agreements may include training and adjustment assistance resources.

Appendix L: Contracts with AFL-CIO state federations and other labor-based organizations in US DOL Region 5 states

In Illinois, the Rapid Response Task Force includes representatives from the state rapid response unit, WIA Title I grantees, the Department of Employment Security, the Illinois AFL-CIO Member Assistance Program, the Department on Aging, and the Illinois Community College Board. The contract between the Department of Commerce and Economic Opportunity and the Illinois AFL-CIO Member Assistance Program has been in place since the 1980's.

In Michigan, the Michigan State AFL-CIO Human Resources Development, Inc. (M-HRDI) is a private non-profit corporation established and operated to provide employment and training services to displaced workers and economically disadvantaged residents in the State of Michigan. M-HRDI has been the largest independent provider of dislocated worker services for over 20 years. M-HRDI is experienced in dislocated worker case management, the development of training opportunities for WIA participants, outreach, recruitment, assessment, eligibility determination, and the development of Individual Service Strategies, employment counseling, training, and placement verification. M-HRDI also has systems in place to manage and administer WIA contracts and funds, as well as grants from various sources. M-HRDI's coordination with local WIA Boards provides them the largest possible pool of job seekers to facilitate meeting the needs of new and expanding businesses. M-HRDI also assists the Michigan Department of Labor and Economic Growth with rapid response efforts. A statewide AFL-CIO Peer to Peer Manager works with the state rapid response staff to provide Peer to Peer services in the event of a facility closing anywhere in Michigan.

In Minnesota, the Minnesota Department of Employment and Economic Development has had a contract with the Minnesota AFL-CIO for almost 20 years. This contract recognizes an Employee Liaison position at the Minnesota AFL-CIO as an active partner on the State's Rapid Response Team.

In Missouri, the Missouri Department of Economic Development (DED), through the Division of Workforce Development, administers the State of Missouri's Rapid Response and Dislocated Worker programs from federal funds authorized under WIA. DED has contracted with the Missouri AFL-CIO for almost 20 years for their assistance in rapid response services.

In Wisconsin, the Wisconsin Department of Workforce Development has had a contract with the Wisconsin State AFL-CIO Labor Education & Training Center (LETC) for over 20 years. The LETC focuses on job training and work place education in an effort to contribute to the well-being of workers and enhance an employer's opportunity to remain competitive in a global economy through a well trained workforce. These services include rapid

response to layoffs or closings, on-site pre-layoff services, development of Labor-Management Committees, applications for special funding, career counseling/skills assessment, re-employment planning, occupational classroom training, supportive services, and career transition services.